

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SUSAN KAREN GOLDMAN, and
NATIONAL ASSOCIATION FOR GUN
RIGHTS

Plaintiffs,

v.

CITY OF HIGHLAND PARK, ILLINOIS,

Defendant;

Case No. 1:22-cv-04774

Hon. Harry D. Leinenweber

ROBERT C. BEVIS, and NATIONAL
ASSOCIATION FOR GUN RIGHTS, and
LAW WEAPONS, INC., d/b/a LAW
WEAPONS & SUPPLY, an Illinois corporation,

Plaintiffs,

v.

CITY OF NAPERVILLE, ILLINOIS, and
JASON ARRES,

Defendants;

Case No. 1:22-cv-04775

Hon. Virginia M. Kendall

JAVIER HERRERA,

Plaintiff,

v.

KWAME RAOUL, in his official capacity as
Attorney General of the State of Illinois,
BRENDAN F. KELLY, in his official capacity
as Director of the Illinois State Police, COOK
COUNTY, a body politic and corporate, TONI
PRECKWINKLE, in her official capacity

Case No. 1:23-cv-00532

Hon. Mary M. Rowland

County Board of Commissioners President, KIMBERLY M. FOXX, in her official capacity as Cook County State's Attorney, THOMAS J. DART, in his official capacity as Sheriff of Cook County, CITY OF CHICAGO, a body politic and corporate, DAVID O'NEAL BROWN, in his official capacity as Superintendent of Police for the Chicago Police Department,

Defendants.

**PLAINTIFF'S MOTION
FOR RULE 40.4 REASSIGNMENT OF RELATED CASES**

Counsel for Dr. Javier Herrera respectfully moves to reassign a related case to be heard together with other related cases as permitted by Local Rule 40.4. Detailed in the attached motion, the related cases are Second Amendment challenges with pending motions for temporary restraining orders and/or preliminary injunctions: (1) Dr. Herrera's case in *Herrera v. Raoul*, No. 1:23-cv-00532 (N.D. Ill.), pending before Judge Mary M. Rowland; (2) *Goldman v. Highland Park*, No. 1:22-cv-04774 (N.D. Ill.), pending before this Court; and (3) *Bevis v. Naperville*, No. 1:22-cv-04775 (N.D. Ill.), pending before Judge Virginia M. Kendall. The *Goldman* and *Bevis* Plaintiffs agree that the cases should be reassigned so that they can all be heard together.¹

Counsel files this motion, the accompanying memorandum of law, and relevant pleadings in the lowest-numbered case for which reassignment of all cases could be appropriate, which is this Court's case in *Goldman*. Counsel is also filing notice of this motion in *Bevis*, which also appears to be an appropriate Court for reassignment of all cases, and in *Herrera*. Hearing these related Plaintiffs' pending requests for temporary restraining orders and/or preliminary injunctions in one forum is

¹ On February 14, 2023, counsel for Dr. Herrera asked all Defendants' counsel in *Herrera v. Raoul* whether they would also consent to this request for reassignment in light of the related nature of the cases. Defendants' counsel did not respond. Counsel will contemporaneously serve copies of this motion and the accompanying memorandum of law on counsel for the *Herrera* Defendants by electronically filing a notice of the filing that attaches the motion, memorandum of law, and relevant pleadings.

contemplated by Local Rule 40.4 and in furtherance of judicial economy. Doing so will streamline review of constitutional issues that are uniform across all cases and ensure the speedy resolution of the Plaintiffs' constitutional claims.

Defendants in *Goldman* and *Bevis* previously filed motions to reassign those cases to *Viramontes v. Cook County*, No. 1:21-cv-04595 (N.D. Ill.), pending before Chief Judge Pallmeyer. The motions have not been ruled on. Since the filing of those motions, the *Viramontes* Plaintiffs have moved to stay that litigation such that the Rule 40.4(b) factors are no longer satisfied for reassignment to *Viramontes*. But the relatedness of the constitutional challenges in *Goldman*, *Bevis*, and *Herrera* remain.

Dr. Herrera respectfully requests that this Court exercise its discretion and grant this Motion for the reasons set forth in the accompanying memorandum of law.

Dated: February 16, 2023

Gene P. Hamilton*
Reed D. Rubinstein*
Michael Ding (IL ARDC 6312671)
AMERICA FIRST LEGAL FOUNDATION
300 Independence Avenue SE
Washington, DC 20003
Tel: (202) 964-3721
gene.hamilton@aflegal.org
reed.rubinstein@aflegal.org
michael.ding@aflegal.org

* *Admitted pro hac vice*
in *Herrera v. Raoul*, No. 1:23-cv-0532 (N.D. Ill.)

Respectfully submitted,

/s/ Taylor A.R. Meehan
Thomas R. McCarthy*
Jeffrey M. Harris*
Taylor A.R. Meehan (IL ARDC 6313481)
C'Zar D. Bernstein*
Matthew R. Pociask*
CONSOVOY MCCARTHY PLLC
1600 Wilson Blvd., Ste. 700
Arlington, VA 22209
(703) 243-9423
tom@consovoymccarthy.com
jeff@consovoymccarthy.com
taylor@consovoymccarthy.com
czar@consovoymccarthy.com
matt@consovoymccarthy.com

Counsel for Plaintiff Javier Herrera
in *Herrera v. Raoul et al.*, No. 1:23-cv-0532

CERTIFICATE OF SERVICE

I hereby certify that on February 16, 2023, I electronically filed a true and correct copy of the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing via email to counsel of record.

Dated: February 16, 2023

/s/ Taylor A.R. Meehan
Taylor A.R. Meehan